

## AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/648,125

Filing Date: August 25, 2003

Title: METHOD AND SYSTEM TO GENERATE A LISTING IN A NETWORK-BASED COMMERCE SYSTEM

Page 8

Dkt: 2043.102US1

BEST AVAILABLE COPY

REMARKS

This responds to the Office Action dated August 25, 2005, and the references cited therewith. Independent claims 1, 13, and 23 are amended. Dependent claims 8, 10, 11, 12, 20, 30, 32, 33, and 34 are amended to clarify antecedent basis. Claims 1-36 remain pending in this application.

Claims 1, 3, 4, 7-9, 13, 15, 16, 19-21, 23, 25, 26, 29-31 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barts et al. (U.S. 2002/0082893, hereinafter "Barts") in view of Ojha et al. (U.S. 6,598,026, hereinafter "Ojha").

Claims 2, 14, 24 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barts et al. in view of Ojha et al. and further in view of Bezos et al. (U.S. 6,029,141, hereinafter "Bezos").

Claims 5, 6, 17-18 and 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barts et al. in view of Ojha et al. and further in view of Erdelyi (U.S. 6,631,522, hereinafter "Erdelyi").

Claims 10-12, 22 and 32-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barts et al. in view of Ojha et al. and further in view of Ortega et al. (U.S. 6,410,084, hereinafter "Ortega").

Applicants appreciate the Examiner Interview of December 16, 2005, in which the Examiner and Applicants came to an agreement with respect to distinguishable features over the cited prior art. Specifically it was agreed, neither Barts, Ohja, Bezos, Erdelyi, nor Ortega disclose the limitation, "generating a proposed listing to include the listing data," and, "prior to posting the listing, allowing the user to modify the listing data of the proposed listing, resulting in the listing," as recited in claim 1, as amended (emphasis added). Accordingly, independent claims 13 and 23 have been amended and include substantially the same limitations as claim 1.

Therefore, for at least the reasons agreed to in the Interview, Barts, Ohja, Bezos, Erdelyi, or Ortega, alone or in combination, fails to teach or suggest each and every element of the independent claims. Therefore, it is respectfully submitted the rejections of these independent claims and their respective dependent claims under U.S.C. § 103(a) have been overcome and thus are in condition for allowance.

## AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/648,125

Filing Date: August 25, 2003

Title: METHOD AND SYSTEM TO GENERATE A LISTING IN A NETWORK-BASED COMMERCE SYSTEM

Page 9

Dkt: 2043.102US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (480) 538-1735 to facilitate prosecution of this application.

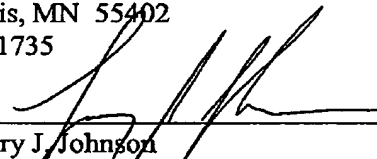
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

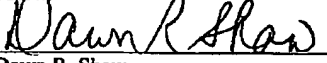
STEVE GROVE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(480) 538-1735

Date December 16, 2005 By   
Larry J. Johnson  
Reg. No. 56,861

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

  
Dawn R. Shaw

December 16, 2005  
Date of Transmission

BEST AVAILABLE COPY